

REMARKS

Claims 42-53 are pending in the application. Claims 42-53 have been amended. No new matter is added by these amendments, which find support throughout the application. Reconsideration and allowance of claims 42-53 are respectfully requested.

Allowable Subject Matter

Claim 45 stands objected to as being dependent from a rejected base claim. However, the examiner has indicated that claim 45 would be allowable if rewritten in independent form including all the limitations of the base claim. Applicants thank the examiner for finding allowable subject matter.

Prior art rejections

Claims 47-49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent number 5,918,181 to Foster, et al. ("Foster") in view of U.S. patent number 5,487,065 to Acampora ("Acampora"). Claims 42-46 and 50-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese patent publication number JP-06-078359 to Tetsuyoshi, et al. ("Tetsuyoshi") in view of Acampora. Reconsideration of these rejections is respectfully requested.

The present invention provides initiation of diversity handover simultaneously with communication using established access links. However, Acampora merely provides a plurality of communication routes through a network. According to Acampora, mobile user 29 communicates with a single one of base stations 33, 34, 35 and 36 (Acampora, column 5, lines 5-14). In other words, according to Acampora, a mobile station communicates with the network using a single carrier wave or radio link.

Thus, Acampora actually teaches the presence of just a single branch between a base station and a mobile station. In contrast, the present invention defined by claims 42-53 provides a plurality of branches which are used for communication using diversity handover. In other words, a mobile communication station communicates with a network using a plurality of carrier

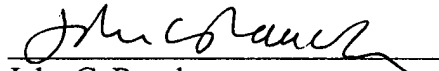
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waves. The mobile station performs diversity handover using the plurality of branches. There is no disclosure or suggestion of diversity handover in Acampora. Rather, in Acampora, a plurality of communication routes is not related to the diversity handover.

Accordingly, it is respectfully submitted that one ordinarily skilled in the art can not reach the present invention on the basis of a combination of Acampora and Foster or of Acampora and Tetsuyoshi.

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,


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